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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/243,483 05/13/94 MEZZALIRA

24M1/0315

WATSON, COLE, GRINDLE & WATSON
1400 K ST., N.W.

WASHINGTON, DC 20005-2477

R 676022
EXAMINER

BRINSON, P

ART UNIT	PAPER NUMBER
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2402

DATE MAILED:

03/15/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☒ This application has been examined ☒ Responsive to communication filed on 272294 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 months, 14222 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice re Patent Drawing, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, Form PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 3-4 are pending in the application.

Of the above, claims are withdrawn from consideration.

2. ☒ Claims 1+2 have been cancelled.

3. ☐ Claims are allowed.

4. ☒ Claims 3-4 are rejected.

5. ☐ Claims are objected to.

6. ☐ Claims are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. ; filed on

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Part III DETAILED ACTION

Drawings

1. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of claim 6 must be shown or the feature cancelled from the claim. No new matter should be entered.

Claim 6 recites that the chain-type mesh network may be in the form of a variety of types, however the types are either not shown in the figures or not pointed out as being specific various types.

Specification

2. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as the specification, as originally filed, does not provide support for the invention as is now claimed. Claim 5 recites the threads of the mesh lines and rows are formed of substantially the same strength, without support in the specification.

Claim Rejections - 35 USC § 112

3. Claim 5 is rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.
4. Claims 3-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the hose inner layer being of plastic or rubber. "Or" here is alternative and therefore indefinite claim language.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Cook.

The patent to Cook discloses a reinforced hose comprising, from the interior to the exterior, at least one tubular inner layer of plastic material (1) having an exterior surface, a chain-type mesh network (15) having mesh lines and mesh rows, having in a single layer a tubular shape being wound on the exterior surface of the inner layer, wherein the mesh rows and lines are slanted in opposite directions at the same inclination relative to the longitudinal axis of the hose, and an external layer (12) disposed over the chain mesh net work for the protection of the mesh, as recited to claim 1. The mesh has parallel lines of mesh rows and lines slanted in relation to the longitudinal axis of the hose, as indicated by arrows (16 and

17). The rows and lines are made of threads having substantially the same strength wherein they are made from the same type of thread. Cook discloses tricot-type mesh network, wherein each thread forms the mesh by interlacing with one or more threads on its right and with one or more threads on its left.

Response to Amendment

6. Applicant's arguments filed 27 December 1994 have been fully considered but they are not deemed to be persuasive.

Applicant argues that the patent to Cook does not disclose eliminating torsional effects caused by pressure changes, and that the knitted reinforcing material of Cook prevents the twisting of the article. It should be noted that torsional effects are produced by twisting , therefore it is inherent that if Cook prevents the twisting of the article, it thereby eliminates torsional effects. It is also argued that torsion effect is absent in the present invention because the yarn has mesh lines and rows crossed together in such a way that they have substantially the same but opposite inclination with respect to the longitudinal axis. It should be noted that the reinforcing layer of Cook, in particular the layer designated (15a) appears to be exactly like the chain mesh network of fig. 2 of the present invention, therefore it is inherent that, wherein the hose of Cook has an inner core (1), a chain mesh network reinforcing layer (15a) that is exactly like that of the present invention and a cover (12) protecting the reinforcing layer, it too would provide the absence of torsional effects.

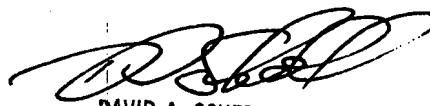
Conclusion

7. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **PATRICK F. BRINSON** whose telephone number is (703) 308-0771.


P. F. Brinson
March 7, 1995


DAVID A. SCHERBEL
SUPERVISORY PATENT EXAMINER
ART UNIT 2402